

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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ALEKSANDR GRIGORYEVICH IVANOV,  
A# 71-383-827,

Petitioner,

- v -

IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondent.

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07-CV-0033Sc

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE, the respondent, by counsel, Terrance P. Flynn, United States Attorney in and for the Western District of New York, Monica J. Richards, Assistant United States Attorney, of counsel, hereby moves this Court for an Order dismissing the petition filed pursuant to 28 U.S.C. § 2241. This motion is made on the grounds set forth in the accompanying Affidavit of Monica J. Richards.

Respondent also requests such other and further relief as the Court may deem just and proper.

DATED: Buffalo, New York, March 13, 2007.

Respectfully submitted,

TERRANCE P. FLYNN  
United States Attorney

BY: s/ Monica J. Richards  
MONICA J. RICHARDS  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
(716) 843-5700 ext. 852  
[Monica.Richards@USDOJ.gov]

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**AFFIDAVIT**

Respondent.

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STATE OF NEW YORK     )  
COUNTY OF ERIE        )     ss:  
CITY OF BUFFALO        )

MONICA J. RICHARDS, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney, of counsel to Terrance P. Flynn, United States Attorney for the Western District of New York, counsel for respondent in the above-referenced action. As such I am fully familiar with the facts, background and circumstances of this action.

2. Petitioner asserts a challenge to his continued administrative custody pending removal to his native country. See Docket No. 1.

3. Since the petitioner asserted a challenge to his continued administrative custody only, there was no stay of

removal entered at the time that this case was initially reviewed by Hon. William M. Skretny. See Docket No. 3.

4. On March 8, 2007, I received, by facsimile, an Order of Supervision from a representative of the Bureau of Immigration and Customs Enforcement ("ICE"), Department of Homeland Security ("DHS"), which states that ICE, DHS released petitioner from administrative detention on or about February 15, 2007. A copy of the Order of Supervision is attached hereto as Exhibit A.

5. According to the Order of Supervision, petitioner's new address is 105 Ocean Drive East, Unit 4F, Brooklyn, NY 11235. Id. at Exhibit A.

6. In light of the fact that petitioner has been released on an Order of Supervision and that the relief he requested in his petition has been granted, to wit, release from administrative custody, the petition is therefore now moot and can be dismissed.

s/ Monica J. Richards  
MONICA J. RICHARDS  
Assistant United States Attorney

Sworn to before me this  
13th day of March, 2007

s/ Jean L. Bowman  
JEAN L. BOWMAN  
Notary Public State of New York  
Qualified in Niagara County  
My Commission Expires May 30, 2010

# Order of Supervision

Department of Homeland Security  
Immigration and Customs Enforcement

File No: A71 383 827  
Date: February 15, 2007

Name: Aleksandr IVANOV

on June 23, 2005, you were ordered:  
(Date of final order)

- ☐ Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.  
☒ Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- ☒ That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- ☒ That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- ☒ That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- ☒ That you do not travel outside State of New York for more than 48 hours without first  
(Specify geographic limits, if any)  
having notified this Service office of the dates and places of such proposed travel.
- ☒ That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- ☒ That you report in person on February 22, 2007 to this Service office at:  
26 Federal Plaza, New York, NY unless you are granted written permission to report on another date.
- ☒ That you assist ICE in obtaining any necessary travel documents.
- ☒ Other:

See attached sheet containing other specified conditions (Continue on separate sheet if required)

Charles Mule, Facility Director  
(Print name and title of DHS official)

## Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the \_\_\_\_\_ language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

(Signature of INS official serving order)

(Signature of alien)

Date

**L-220B**

**RIGHT INDEX PRINT**

[illegible]

Department of Homeland Security  
Immigration and Customs Enforcement

**Order of Supervision-Addendum**

File No: A71 383 827

Date: February 15, 2007

Name: Aleksandr IVANOV

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide the ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide the ICE with written proof of such within 30 days. You must provide the ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide the ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Supervision.
- ☒ That you report to any parole or probation officer as required within 24 hours and provide the ICE with written verification of the officers name, address, telephone number, and reporting requirements.
- ☒ That you continue to follow any prescribed doctors orders whether medical or psychological including taking prescribed medications.
- ☒ That you provide the ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide the ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions may result in revocation of any ICE issued employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- ☐ Other.

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2007, I electronically filed the foregoing **NOTICE OF MOTION TO DISMISS AND AFFIDAVIT** with the Clerk of the District Court using its CM/ECF system. I further certify that on March 14, 2007, I have mailed the foregoing Notice of Motion and Affidavit, by the United States Postal Service, to the following non-CM/ECF participant(s) at his last known address:

ALEKSANDR GRIGORYEVICH IVANOV  
105 Ocean Drive East, Unit 4F  
Brooklyn, NY 11235

s/ Jody L. Wienke  
JODY L. WIENKE